

**REMARKS**

The present application was filed on September 1, 2000 with 20 claims. In the originally filed claims, there was a second instance of claim 13, and the Examiner renumbered the second instance of claim 13 and claims 14 through 19 as claims 14 through 20. Consequently, claims 1 through 20 are presently pending in the above-identified patent application. Claims 1, 3-5, 7, 9, 17, 19, and 20 were amended in the previous Office Action Response, dated July 8, 2003.

In the final Office Action, the Examiner rejected claims 1-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 09/653,888. The Examiner rejected claims 1-4, 8-11, 13-17, and 19-20 under 35 U.S.C. §103(a) as being unpatentable over Papierniak et al. (United States Patent Number 6,175,838, hereinafter "Papierniak") in view of Yaginuma et al. (United States Patent Number 6,477,538, hereinafter "Yaginuma") and rejected claims 5-7, 12, and 18 under 35 U.S.C. §103(a) as being unpatentable over Papierniak et al. and Yaginuma et al, and further in view of Hunt et al. (United States Patent Number 6,223,215, hereinafter, "Hunt").

The present invention is directed to a computer system and method that provides one or more visualizations to one or more users of a network application. The computer executes a sessionization process that receives one or more Web server logs from one or more online stores, and generates one session table for each session found from requests recorded in Web server logs. A shopping step finder process then receives one or more session tables and generates one micro-conversion table for each given session table. Finally, a visualization process receives one or more of the micro-conversion tables and generates one or more micro-conversion visualizations of one or more micro-conversions.

**Double Patenting**

Claims 1-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 09/653,888. The Examiner asserts that, although the conflicting claims are not identical, they are not patentably distinct from each other because both applications address on-line shopping, use of server logs and micro-

visualization techniques comprising a parallel coordinate system and one or more extension components.

Applicants have submitted a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application that is believed to overcome this rejection. Accordingly, Applicant respectfully requests that the provisional rejection of claims 1-20 under the judicially created doctrine of obviousness type double patenting be withdrawn.

Independent Claims 1, 19 and 20

Independent claims 1, 19, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of Yaginuma. In particular, while the Examiner acknowledges that Papierniak does not teach a “shopping step finder process that receives one or more session tables, and generates one micro-conversion table for each given session table; and a visualization process that receives one or more micro-conversion tables, and generates one or more micro-conversion visualizations of one or more micro-conversions,” the Examiner asserts that Yaginuma discloses these limitations. Furthermore, the Examiner asserts the following (see the paragraph spanning pages 3 and 4 of the final Office Action):

Moreover, the reference sections as indicated and the reference sections in Papierniak (see at least Abstract) while not specifically citing ‘shopping steps’ - these ‘shopping steps’ are implicit (see at least Abstract and col 4, lines 45 - 50). As a result, Papierniak does establish that the ‘shopping steps’ are captured and stored in web server logs (i.e. database), which in combination with Yaginuma (a method and system to display the data visually/visualization in a ‘microconversion table’) provides the *prima facie* case of obviousness and therefore does teach a ‘shopping step finder process that receives on or more tables, and generates one micro-conversion table for each given session table’.

Applicants respectfully submit the following: (1) neither Yaginuma nor Papierniak teach or suggest all limitations of independent claims 1, 19, and 20; and (2) the Examiner has not established a *prima facie* case of obviousness.

As to element (1), Applicants in, for example, FIG. 6 show microconversion tables 601, 602, and 603, having exemplary shopping steps entitled “product impressions,” “click-throughs,” “basket placement,” and “purchase.” Neither Yaginuma nor Papierniak teach any of these shopping steps or suggest anything that

implies or could be construed to be these shopping steps. For instance, Yaginuma is simply an apparatus for displaying the result of a data mining process as multi-dimensional data (see Abstract of Yaginuma). There is no teaching or suggestion that Yaginuma is used for tabulating or visualizing “shopping steps.” Similarly, Papierniak is simply an apparatus that correlates web page files (HTML, SHTML, DHTML, and CGI files) with other types of files (such as GIF, JPEG, and AVI files). See Abstract of Papierniak. There is no teaching or suggestion in Papierniak of generating tables having “shopping steps” or visualizations of “shopping steps,” as claimed in independent claims 1, 19 and 20.

Consequently, if neither Yaginuma nor Papierniak disclose “shopping steps,” then the combination of the two cannot disclose this limitation. Because neither Yaginuma nor Papierniak disclose this limitation, independent claims 1, 19, and 20 are patentable over the combination of Yaginuma and Papierniak.

As to element (2), the Examiner’s argument appears to be the following: Papierniak stores information from web sites and the “shopping steps” of the present invention are “implicit” in the information stored by Papierniak; the apparatus of Yaginuma can then be used to search through the information and display a microconversion table having one or more shopping steps and a visualization of shopping steps from the microconversion tables, as claimed in independent claims 1, 19, and 20. The Examiner’s argument therefore appears to be that the combination of Yaginuma and Papierniak can be made to perform the limitations of independent claims 1, 19, and 20. However, this argument does not meet the standard for a *prima facie* case of obviousness.

MPEP §2143, in the Eight Edition (Aug. 2001), states the following about establishing a *prima facie* case of obviousness (emphasis in original):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As described above, Applicants respectfully submit that there is no teaching or suggestion in the cited references of “shopping steps” as recited in

independent claims 1, 19, and 20. The Examiner admits that “shopping steps” are not disclosed in either piece of prior art.

As to the suggestion or motivation to modify the references for the limitations of the present invention, the sole suggestion to modify the references comes from the Examiner. In the paragraph spanning pages 3 and 4 of the final Office Action, the Examiner has asserted that “shopping steps” are “implicit” in Papierniak. Furthermore, on page 5 of the outstanding final Office Action, the Examiner states “Yaginuma teaches a data display, which . . . is defined by user requirements of ease of understanding”; and “the different fields - a consistent portion of the output display format as taught by Yaginuma . . . are defined by the user.” The Examiner appears to be arguing that if a user were to define the fields in Yaginuma as being “shopping steps,” then the combination of Yaginuma and Papierniak could be used to create a system having the limitations of independent claims 1, 19, and 20, because Papierniak has implicit information about “shopping steps” and Yaginuma might be used to create a display of the shopping steps.

But Applicants respectfully submit that there is no suggestion or motivation - other than the suggestion or motivation given by the Examiner - in either cited reference to do combine the references in the way the Examiner is arguing should be done. As described above, neither reference teaches or implies that shopping steps taken in an online store should be tabulated or visualized, as is claimed in independent claims 1, 19, and 20 of the present invention.

Consequently, Applicants respectfully submit that a *prima facie* case of obviousness has not been established. Therefore, independent claims 1, 19, and 20 are patentable over Yaginuma and Papierniak, alone or in combination.

#### Additional Cited References

Hunt was also cited by the Examiner for its disclosure of a system where the micro-conversion table comprises shopping steps in an online store and product entries for each shopping step.

Applicants note that Hunt is directed to a method for *interactive network session tracking*. Hunt tracks a session “on the fly” with a method dedicated to one session at a time and does not utilize server logs to generate session tables nor utilize said

server logs in a shopping step finder process. Independent claims 1, 19 and 20, as amended, require a shopping step finder process that receives one or more session tables, and generates one micro-conversion table for each given session table, where each micro-conversion table comprises one or more shopping steps. Hunt does not disclose a table  
5 having shopping steps.

Thus, Hunt does not disclose or suggest the unique limitations as required by independent claims 1, 19, and 20, as amended.

Dependent Claims 2-17

Dependent claims 2-4, 8-11, and 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak in view of Yaginuma and claims 5-7, 12, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Papierniak and Yaginuma, and further in view of Hunt.  
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Claims 2-18 are dependent on claim 1 and are therefore patentably distinguished over Papierniak, Yaginuma, and Hunt (alone or in any combination)  
15 because of their dependency from independent claim 1 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1-20, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to  
20 contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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